

Minutes of the Planning Commission meeting held on Thursday, September 16, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair  
Sheri Van Bibber, Vice-Chair  
Ray Black  
Tim Taylor  
Karen Daniels  
Jeff Evans  
Tim Tingey, Community & Economic Development Director  
Chad Wilkinson, Community Development Planner  
Citizens

Excused: Kurtis Aoki

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Mr. Harland opened the meeting and welcomed those present.

#### APPROVAL OF MINUTES

Tim Taylor made a motion to approve the minutes from September 2, 2010 with the changes as indicated for the land use text ordinance amendment as it relates to the ceiling height. Seconded by Karen Daniels.

A voice vote was made. The motion passed, 6-0.

#### CONFLICT OF INTEREST

Karen Daniels declared a conflict of interest for item #9, Eric Shupe rezone application. She stated that her employer is the financial institution that has interest in the properties in question and that she will recuse herself for this item.

#### APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for Conditional Use Permits for: The Whistle Stop, K.B. Orthopedics, Distortion and the LDS Church Little Cottonwood Stake from the September 2, 2010 meeting. Seconded by Karen Daniels.

A voice vote was made. The motion passed, 6-0.

#### AIRLOGIX – 150 West 4800 South #37 – Project #10-198

Heather Berlin was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Conditional Use Permit for a HVAC contractor business use and also a motorcycle repair business in a portion of unit #37. The same owner operates both business uses. The applicant indicated the motorcycle repair will be limited with the major business the HVAC contractor use. There are 4 employees for the HVAC business and one employee for the motorcycle repair. The

site has adequate parking for the proposed business use. The building contains about 19,000 sq. ft. with about 3,700 sq. ft. in office space which will require 36 parking stalls and the property contains about 60 total parking stalls on this site. The building meets the required setbacks for the M-G-C zoning district. The site is currently landscaped to meet zoning requirements. The building official noted it is not clear how the contractor's office will be separated from the motorcycle repair shop and how the two uses are separated from the remainder of the building. Plans will need to be provided for building department review and approval. The applicant will need to comply with IPC section 1003.5 A.-repair garages for oil/sand separators shall be installed, etc. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Heather Berlin, 3315 West 7545 South, West Jordan, stated she has reviewed the staff recommendations. She questioned condition #3 which requires three disabled parking stalls. She asked if that requirement is their responsibility or the landlord's responsibility. Mr. Harland responded that the applicants are responsible to see that the 3 disabled stalls are completed and they would need to work out the details with the landlord.

Jeff Evans commented that if the landlord wishes to have Airlogix as a tenant they ought to be willing to do the site improvements as necessary. Tim Tingey stated that when the application was submitted, the landlord signed an "Owners Certification" document that acknowledges that the standards that apply will be adhered to.

No comments were made by the public.

Sheri Van Bibber clarified that on the application it was stated that there are 4 temporary employees and one regular employee. Ms. Berlin responded that there will be 2 seasonal employees and she and Cameron Blake are the only two full-time employees.

Ray Black made a motion to grant Conditional Use Permit approval for an HVAC business and a motorcycle repair business for Airlogix at 150 West 4800 South #37 subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. All of the parking stalls, including 3 disabled parking stalls with signs, shall be striped on the property to meet parking regulations.
4. Trash containers on the property shall be screened as required by Section 17.76.170.

Seconded by Sheri Van Bibber.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Ms. Daniels  
A \_\_\_\_\_ Mr. Harland  
A \_\_\_\_\_ Mr. Black  
A \_\_\_\_\_ Mr. Taylor  
A \_\_\_\_\_ Ms. Van Bibber  
A \_\_\_\_\_ Mr. Evans

Motion passed, 6-0.

FLOWER PATCH SIGN – 4370 South Commerce Drive – Project #10-200

Tom Gordon and Tarrish Gordon were the applicants present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for an electronic message sign for the Flower Patch business located at 4370 South Commerce Drive. Municipal Code Ordinance 17.48.200 allows an electronic message sign within the M-G-C zoning district subject to Conditional Use Permit approval. Murray City Code Section 17.56.060 outlines the following standards for review for conditional uses. The applicant plans to relocate the existing electronic message sign which is currently located at the property addressed 4284 South Commerce Drive and attach it to the existing Flower Patch pole at the frontage of I-15. The plan shows the electronic message sign will be located at the northwest side of the property with a setback of 17 ft. from the property boundary to the leading edge of the sign. The dimensions of the electronic message sign are 9 feet 7 inches by 19 feet 11 inches and the over all sign height is 34 feet. The sign meets the sign regulations for height and size of sign. The plan shows about 87 parking stalls which is adequate for the business use. The business was formerly Zims and has changed to Flower Patch which has a similar use with retail sales and warehouse use. The sign and buildings meet the required setbacks for the M-G-C zone. The property is currently nonconforming regarding the landscaping on the site. The Conditional Use Permit requires upgrade of the site with landscaping to meet Chapter 17.68 of the Murray Municipal Code. This will include a 10 foot depth of frontage landscaping at the street frontage and 5-foot depth of landscaping adjoining parking stalls at the perimeter of the property meeting the requirements of the landscaping regulation. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Tarrish Gordon, 4370 South Commerce Drive, stated he and his father, Tom Gordon, are representing the owners of Flower Patch. He stated they have reviewed the staff recommendations. He stated that he will be submitting for building permits for the building façade to remodel the three entrances into the building. He stated that they plan to do substantially more landscaping than what is required at this time. He asked if they could work through a time frame to install the frontage landscaping that will not hold up their ability to get this sign permit. He stated they are anticipating approximately 27,000 sq.ft. of landscaping that is required by the city with this conditional use permit that equates to approximately \$30,000-\$40,000, and ultimately that landscaping would have to be torn back out to accommodate their long range landscaping plans. He asked if they could have 3 years to install the frontage landscaping.

Jim Harland clarified that Tarrish Gordon is asking to not install the required landscaping per this application. Tarrish Gordon concurred. Mr. Gordon stated that they do not have the \$30,000-\$40,000 at this time to install the recommended landscaping. Mr. Gordon stated that they will comply with the other recommended conditions of approval, including the dumpster enclosure requirements and that the parking lot has been improved as required.

Chad Wilkinson stated the code has provisions that allow for deferral of certain improvements in conditions such as related to weather delays, but usually it is not for as long of a time period as suggested for 3 years, but is usually for approximately 6 months during the winter season. The deferral approval is handled by staff and is an administrative procedure. Mr. Wilkinson explained that a deferral requires the applicant to post a security of 125% of the cost of the improvements to guarantee that the improvements are done. This may allow the applicant additional time to install the landscaping, but does not save the applicant money upfront, or a deferral may also be done by way of a letter of credit from a financial institution. He stated the deferral is either by way of a cash bond or a letter of credit and that deferrals are approved administratively.

Jeff Evans asked how often this situation occurs. He expressed concern with a business trying to get established at a location and all the associated costs and this would only compound that financial burden to get a sign permit, yet a sign is critical to the financial success of the business. Chad Wilkinson responded that there are a few properties each year that have these types of situations. He stated that another option for the applicants would be to apply for a landscaping variance through the Board of Adjustment. He stated that a sign permit could be approved but the final inspection for the sign includes an inspection of the other required improvements, such as the landscaping, as part of the conditional use permit process.

Jim Harland stated that the applicants have options that they can request a variance through the Board of Adjustment prior to receiving the Conditional Use Permit approval; or the Planning Commission may approve the Conditional Use Permit subject to meeting the conditions and the applicant would then need to work through those conditions by way of an administrative deferral approval, but a 3 year time frame would probably not be approved. Tarrish Gordon responded that the deferral is not as appealing to them and asked about the variance process.

Tim Tingey stated that under the code, a variance from the ordinance standards such as a request to not install the landscaping may be an option. A variance is granted based on state codes that require a hardship or unique circumstance with the property, and that financial issues cannot be a hardship. He stated that the commission may grant approval for the conditional use permit and subsequently the applicants may apply for a variance. Mr. Tingey explained the Board of Adjustment meets once a month on the second Monday of each month and the application deadline is three weeks prior to the meeting.

Tom Gordon, 3259 Mill Road, Heber, Utah, stated that he saw these conditions at 2:00 this afternoon and had no forewarning. He stated that he could have had a formal landscaping plan to the commission in time. Mr. Gordon stated that he entered

into negotiations for the sign the first part of August and they are losing sales everyday. He stated that he wanted to have a sign when they first moved into the property but the economy is tough and they are trying to hang onto the business. He stated that they need the sign in order to stay in business and does not have months to go through red tape nor does he have a lot of money to spend on grass when they are just surviving. He stated that their business has been in operation for over 30 years and times are the toughest they have been. He stated that he had not idea that this landscaping requirement would prevent him from installing a sign. He stated currently there is an old beat up sign on the property that doesn't work that they are wanting to replace in order to increase their business. The option is, the old sign remains as trashy as it appears, or they can install a new sign in an attempt to generate revenue. He stated that he wishes to improve this site and have done a lot of improvements on the site. He stated that he would also like to redo the façade on the building. He stated that portions of the property already have landscaping and there are dumpsters inside a large enclosure where they have also been parking their trucks due to past vandalism. Tom Gordon stated that another three months of red tape is not acceptable and they are in a position to install the sign right now and hopefully it will generate sales; otherwise the old sign will remain as is because he cannot afford to jump through these hoops. Mr. Gordon stated he was not made known of these required conditions until 2:00 this afternoon.

Jim Harland asked why the applicant had just found out about these requirements at 2:00 this afternoon. Chad Wilkinson responded that a staff recommendation was sent both to the sign company representative and also the property owner last week and once it is mailed from the city's office it is difficult to know.

Michael Russoto, 5660 South 1300 East, stated that the applicants are attempting to improve this property and what would it hurt allow them to simply install the sign and they are promising to install the improvements at a later day. He suggested that the city work with the applicants to allow them to install the sign so they can stay in business.

Tim Taylor commented that they would like to see the businesses be successful in Murray. He stated that the planning commission has the opportunity to discuss the ordinances and statutes and that the code does specify that these property improvements are required for conditional use permit approval. He stated that the city can make changes and amendments to the code, but they are obligated to uphold the existing code whether they personally agree with the code or not.

Sheri Van Bibber stated that the planning commission is appreciative of the Flower Patch owners attempt to take over the property and make improvements. She stated that the planning commission is bound to uphold the ordinances but that the applicants may apply for a variance if they wish.

Jim Harland stated if the commission approves this permit with the conditions, there are still a couple of options for the applicants such as the deferral or a variance as soon as October.

Chad Wilkinson commented that the conditions on the screen are slightly different

and that the paper copy given to both the planning commission and the applicant(s) are the correct conditions.

Jeff Evans stated that the ordinance doesn't allow flexibility for different applications, and he regrets that they cannot be more flexible to accommodate the Gordon's wishes. He commented that anyone attempting to make improvements in the city is always welcome. He stated that his family has been in business for forty years in Murray and can relate to Mr. Gordons situation and the tough times.

Karen Daniels made a motion to grant Conditional Use Permit approval for an electronic message sign for the Flower Patch at 4370, 4410 and 4418 South Commerce Drive subject to the following conditions:

1. The project shall meet all applicable building code standards and permit requirements.
2. The project shall meet all sign code requirements for electronic message center signs.
3. A formal landscaping plan shall be submitted with the building permit. The plan shall comply with the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and be installed as approved on the properties before a final approval of the sign. The plan shall include 10 ft. depth of landscaping at the street frontage and 5-foot depth of landscaping adjoining parking stalls at the perimeter of the property meeting the requirements of the landscaping regulation. The area behind the building may need to be upgraded with landscaping or paved to meet code.
4. Trash containers shall be screened as required by Section 17.76.170.
5. The sign shall comply with the requirements of the Murray Power Department for the sign including 15 ft. minimum clearance from the sign to the existing power line.
6. All of the parking stalls, including disabled stalls with signs posted, shall be striped on the site to meet Chapter 17.72 of the Murray Municipal Code.

Seconded by Sheri Van Bibber.

Call vote recorded by Chad Wilkinson.

A Ms. Daniels  
A Ms. Van Bibber  
A Mr. Evans  
A Mr. Taylor  
A Mr. Black  
A Mr. Harland

Motion passed, 6-0.

CLEARWIRE WIRELESS – 573 West 4800 South – Project #10-201

Rock Schutjer was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit approval to construct an 80-foot tall monopole with an approximately 10-11 foot wide antenna structure. Monopoles exceeding 60 feet in height and antennas exceeding 2 feet in visible width require the approval of a conditional use permit by the Planning Commission. The zoning ordinance requires a minimum setback of 330 feet from residentially zoned properties when antennas exceed 2 feet in width. Width is defined as the visible width of the antenna and supports when viewed looking directly at the monopole at the same elevation as the antenna. The project appears to be located within the flood plain for Little Cottonwood Creek and the Jordan River. The antenna proposed would be approximately 10 feet in width when measured in accordance with standards in the ordinance. The tower is approximately 380 feet from the nearest residential zoning district to the south. Municipal Code Ordinance 17. 80.070 allows for low power radio communication towers exceeding 60 feet in height and 2 feet in width within the C-D-C zoning district subject to Conditional Use Permit approval. A number of standards are included in the ordinance to ensure adequate buffering of towers including minimum setbacks from residential structures, etc. The ordinance also requires that the Planning Commission consider other options including collocation on other nearby towers or buildings, spacing between monopoles, and the willingness of the applicant to allow future collocation. The applicant has indicated that the location is necessary to provide coverage for their specific type of service in the area. A building permit was approved earlier this year for collocation on an adjacent radio lattice tower. The building permit was cancelled and the applicant has indicated that collocation on the existing lattice tower is not desirable based on various issues related to interference from the radio signal and safety. The applicant has also indicated that a new tower is required to reach desired coverage levels in this location. Future collocation on the proposed pole is desirable to limit future poles in the area and should be allowed. A condition requiring the applicant to allow for collocation on the pole has been included. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Rock Schutjer, 4190 South Camille, Holladay, presented information showing the wireless coverage at 60 foot elevation and 80 foot elevation. The application is for an 80 foot elevation because the coverage is better and there is a hope that the 80 foot height handles their needs much better. He stated the immediate surrounding clutter of trees is approaching 40 feet behind the site. The foreground coverage towards 4800 South, west and east, the clutter reaches as high as 65 feet which is another reason for the 80 foot height. The larger trees are cottonwood trees that will only get bigger. Mr. Schutjer stated if they were approved at the 60 foot height, no other vendor would want to co-locate at this site. He stated that he has reviewed the staff recommendations and will comply. He questioned the requirement for the flood elevation certificate and stated that they do have a permit application for Salt Lake County Flood and will proceed with that process.

Sheri Van Bibber asked what the applicants do in a situation where the surrounding trees approach the same height as the monopole. Rock Schutjer responded that is a

unique problem and often it requires pruning and trimming of trees similar to power transmission lines. He stated that he was been with Clearwire in a variety of ways for 2-3 years from Seattle to Denver and they are building a huge footprint across the United States and are a well funded and are a serious company. He stated there are two other co-location poles located within Murray City.

No comments were made by the public.

Sheri Van Bibber made a motion to grant Conditional Use Permit approval an 80-foot high monopole for Clearwire Wireless at 573 West 4800 South subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Provide a flood elevation certificate and demonstrate that the project meets all requirements for development within the flood plain.
4. Provide plans stamped and sealed by appropriate design professionals.
5. The plan will need to be revised to show the distance from the creek and the applicant shall obtain approval from Salt Lake County for clearance from the top of the bank and provide a copy of the approval with the application for building permit.
6. Meet all power department requirements.
7. The structure shall be designed and engineered to reasonably allow for collocation by a subsequent provider.

Seconded by Karen Daniels.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Ms. Daniels  
A \_\_\_\_\_ Ms. Van Bibber  
A \_\_\_\_\_ Mr. Evans  
A \_\_\_\_\_ Mr. Taylor  
A \_\_\_\_\_ Mr. Black  
A \_\_\_\_\_ Mr. Harland

Motion passed, 6-0.

MILLER FAMILY REAL ESTATE - 5720 South State Street – Project #10-205

Zane Miller and Jay Francis were the applicants present to represent this request. Chad Wilkinson reviewed the location and request for Municipal Code Ordinance 17.160.030 allows for auto sales within the C-D-C zoning district subject to Conditional Use Permit approval. Section 17.56.100 allows for the approval of a



temporary conditional use permit for up to six months, and authorizes planning staff to approve three extensions of six months each. The applicant is proposing a temporary building to be used as an office for wholesale automobile sales on the property during demolition and construction of future uses on the site. The temporary conditional use permit allows for a temporary trailer to remain for up to six months with planning commission approval and allows for three extensions of six months each to be approved by staff. The planning commission can extend the temporary conditional use permit for one additional year if unusual circumstances are applicable. At the time of approval of a permanent conditional use for the property, all standards including landscaping, parking, buffering and all other applicable standards shall apply. When the zoning was recently changed, a new boundary was established between the commercial and the residential property. The code requires that anytime a commercial site abuts a residential zone a six-foot high solid masonry wall is required as a buffer. Murray City Code Section 17.56.060 outlines the following standards for review for conditional uses. The lot has previously been used for auto sales. The applicant has indicated that future plans will be submitted for redevelopment of the property. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Karen Daniels asked for clarification about the exact address for the temporary trailer. Chad Wilkinson explained that there are a couple of parcels associated with this site but that the temporary trailer will be located on the parcel currently addressed 5712 South State Street. The project as a whole will be addressed 5720 South State Street.

Zane Miller, 9350 South 150 East, stated he is representing the Miller Family Real Estate. Mr. Miller stated he is planning to knock down the buildings and clean up the buildings due to transients and vandalism and will reconstruct a new dealership within the next 2-3 years. Mr. Miller stated he has reviewed the staff recommendation and will comply.

Jay Francis, 9350 South 150 East, indicated that within the next 8-9 months, they will be constructing a new Honda store further to the south and asked if the solid wall could be constructed at that time which would extend from the Wendy's Restaurant property to Stauffer Lane and would encompass all their dealership properties in this area and will be consistent in dye lot rather than piecing the wall as they construct the buildings. This would also include the property behind the motel. He stated with this recent property swap with the LDS church, they would probably install a chain link fence with privacy slats that will be removed when the solid block wall is installed all at one time. Mr. Francis stated the area currently is an eye sore and the temporary trailer will be setback quite a bit so as not to be real visible.

Jim Harland asked Jay Francis to show the exact location of their proposed solid block wall for the entire length of the properties as previously indicated. Jay Francis indicated on the map the exact locations of the block wall for their overall master plan for the properties owned by the Miller Family Real Estate and associated time frames which vary from a couple months to 9 months for construction to begin. He expressed concern that that solid wall be installed all at one time so as to be consistent in appearance and dye.

Karen Daniels stated that the planning commission is bound by ordinance to require the site improvements with the conditional use permit approval, but that the Millers may pursue a deferral with the planning staff for installation of the block wall.

No comments were made by the public.

Karen Daniels made a motion to grant a temporary conditional use permit for the Miller Family Real Estate at 5712/5720 South State Street subject to the following conditions:

1. Provide plans for review and approval of a building permit. The plans shall include anchorage details prepared by appropriate design professional showing the structure will be able to withstand applicable wind and seismic forces.
2. The project shall meet all applicable building code standards.
3. The project shall meet all current fire codes.
4. Occupancy of the building will not be approved until all water, sewer, and electrical permits have been issued and all appropriate inspections performed.
5. Prior to occupancy of the temporary trailer, complete construction of the required 6-foot high masonry wall between the site and the adjacent residential zone to the west.
6. Any trash container shall be screened as required by Section 17.76.170.

Seconded by Sheri Van Bibber.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Ms. Daniels  
A \_\_\_\_\_ Ms. Van Bibber  
A \_\_\_\_\_ Mr. Evans  
A \_\_\_\_\_ Mr. Taylor  
A \_\_\_\_\_ Mr. Black  
A \_\_\_\_\_ Mr. Harland

Motion passed, 6-0.

ERIC SHUPE – 5670 & 5672 South 1300 East – Project #10-202

Karen Daniels declared a conflict with this item because she works for the financial institution that has interest in this property. She recused herself from discussions on this item.

Eric Shupe was the applicant present to represent this request. Tim Tingey reviewed the location and request for an amendment to the General Plan from Residential

Single Family Low Density to Residential Multi-Family Low Density and a Zone Map amendment from R-1-8 to R-M-10 for the lots addressed 5670 and 5672 South 1300 East. This General Plan and zone change amendment was made to facilitate future development of multi-family units on this property. Alan Prince previously applied for a similar general plan and zone change request in 2005, but was denied by the city council at that time. The property had been divided into two single family lots, but the lots have not sold and have sat vacant since 2006 when the property was subdivided into two lots. The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan for the subject lots has been identified as residential single family low density, but there are unique conditions relating to these lots adjoining the R-M-10 residential zone on two sides to the north and west. The frontage of these lots at the west side of 1300 East Street which has a higher traffic volume arterial street which is more conducive to multi-family housing. Cottonwood High School is located on the east of 1300 East Street across from these lots. The Murray housing study conducted in 2009 describes a need for additional density with the City to accommodate a variety of housing opportunities. This proposed zone change will allow opportunity for increased density of mixed housing types. The requested change has been carefully considered on characteristics of the site and surrounding area and policies of the General Plan and there are unique conditions relating to these lots with the R-M-10 residential zone district adjoining at the north and west side of the these lots. The uses allowed in the R-M-10 zone are compatible with the existing duplex houses located at the north and west side of these lots which are also zoned R-M-10. Based on the findings, staff recommends that the planning commission forward a positive recommendation to the City Council for the requested General Plan amendment and Zone change.

Sheri Van Bibber asked about the difficulty of having a single family residence being located off 1300 East and why a multi-family residence would be better suited. Tim Tingey responded that access is not necessarily the issue, but 1300 East is a well traveled road and sometimes the marketability of single family dwellings is not as conducive as it would be for more units at that site.

Eric Shupe, 5124 South 2050 East, Salt Lake City, stated that his request is harmonious with the staff presentation and that a multi-family project would better suit this property.

Michael Russotto, 5660 South 1300 East, asked if the setback could be 14 feet rather than 12 feet because there are a couple of pine trees at the northerly portion of the property that he hopes will be preserved. He asked about the type of fencing that would be placed on the property. Mr. Harland responded that this application is for a zone change and not for approval of site specific requirements, and that specific site requirements will be addressed at the time of the development proposal.

The public comment portion of for this item was closed.

Ray Black made a motion to send a positive recommendation to the city council for a General Plan amendment from Single Family Low Density to Residential Multi-Family Low Density and a Zone Map amendment from R-1-8 to R-M-10 for the properties addressed 5670 & 5672 South 1300 East. Seconded by Tim Taylor.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Ms. Daniels  
A \_\_\_\_\_ Ms. Van Bibber  
A \_\_\_\_\_ Mr. Evans  
A \_\_\_\_\_ Mr. Taylor  
A \_\_\_\_\_ Mr. Black  
A \_\_\_\_\_ Mr. Harland

Motion passed, 6-0.

### OTHER BUSINESS

Sheri Van Bibber asked if in the future the Planning Commission could have authority or flexibility when requiring site improvements for items such as landscaping in a situation like the Flower Patch application that was heard previously at this meeting. She expressed concern with the inability for the planning commission or staff to have flexibility with requiring adherence and time frames for site improvements and the financial hardship that may be associated with having to bring the property up to code when an a property owner is simply wishing to install a sign. Tim Tingey responded that temporary conditional use permits are different than a permanent conditional use permits. Temporary conditional use permits can have extensions and are "temporary". Mr. Tingey explained that electronic message center signs are conditional uses and possibly ought to be taken out of the conditional use permit category and be a permitted use. He stated that if the city wishes to see improvements in the city such as landscaping, there is a mechanism in place which is through the Conditional Use Permit process to require the property be brought up to code.

Sheri Van Bibber stated that the Flower Patch owner indicated his willingness to install the landscaping, but over a period of time as the finances permit and the hardship imposed on him for simply wanting to install a sign. Tim Tingey responded that the entire frontage of the Flower Patch property does not have landscaping and ought to have landscaping and has had the liberty of not having to install the landscaping for many years. He stated that the Flower Patch owner has options such as applying for a deferral, a variance or even an appeal.

Tim Taylor asked if the Board of Adjustment can grant an extension for the landscaping installation. Tim Tingey responded that the Board of Adjustment cannot grant extensions and has the authority to either grant the variance or deny the variance, but that extensions are not a form of a variance.

Karen Daniels suggested that a solution may be to remove electronic message center signs from the Conditional Use Permit category. Tim Tingey stated that some

communities have loan opportunities but the city does not have this option at this time and it would require budgetary approval.

Jeff Evans suggested the scenario wherein the commission could approve an electronic message center sign with a time period requiring the site improvements to be completed, and if the site improvements are not completed that the sign must be removed.

Chad Wilkinson stated that the property across the street from the Public Services building was formerly owned by the Flower Patch which had conditional use permit approval that required frontage landscaping improvements to be completed. There were agreements to have those improvements completed, yet to date, those improvements have never been completed. The current tenant of the property now has the burden to install those improvements and it is a difficult situation between the tenant and the property owner (Flower Patch) as to who should install those improvements. There is a reason that security is required as part of a deferral otherwise the improvements may never be installed. On occasion the city has had to use the security to install the improvements because the property owner or tenant did not have the improvements done.

Jeff Evans stated that on occasion a company's track record may be factored in the equation of requiring a security or not.

Tim Tingey stated that in many other municipalities' electronic message center signs are not under the conditional use permit category. Ray Black stated that he remembers when the first electronic message center signs were being proposed and the planning commission struggled with how to handle that particular issue.

Tim Tingey stated that a recent change has required that an "Owners Certification" be submitted with multi-tenant warehouse applications that the property owner must sign indicating that the property will be brought up to code with the land use application process.

Chad Wilkinson suggested having an electronic message center sign as a conditional use permit when the property is adjacent to a residential zoning. He stated that message signs technology can be controlled in many aspects such as brightness, hours of operation, timing of messages, etc.

Tim Tingey stated that the staff attempts to get applicants their packet information the week before the Planning Commission date, which is the same timing as the Planning Commission members receive their packets. He stated that the staff phoned the Flower Patch applicants earlier today to ensure that they had received this information and were aware of the proposed conditions.

Jim Harland reminded the Planning Commission members of the dates for the Utah APA meeting are September 30 and October 1, 2010.

Meeting adjourned.

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Tim Tingey, Director  
Community and Economic Development